

**ENTERED**

July 25, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>SILVESTINA DECOTEAU,</b>	§	
	§	
<b>Plaintiff,</b>	§	
<b>VS.</b>	§	<b>CIVIL ACTION NO. 4:16-CV-3244</b>
	§	
<b>MD ANDERSON CANCER CENTER, <i>et al</i>,</b>	§	
	§	
<b>Defendants.</b>	§	
	§	

**ORDER**

Plaintiff Silvestina Decoteau filed her Original Petition on August 30, 2016 in the 55th Judicial District Court of Harris County, Texas. (Doc. No. 1 at 1.) Defendant M.D. Anderson Cancer Center removed the case to federal court on November 3, 2016. *Id.* On March 3, 2017, Defendant filed a Rule 12(c) Motion for Judgment on the Pleadings (hereinafter “March 3, 2017 Motion”). (Doc. No. 7.) Plaintiff did not respond to the March 3, 2017 Motion. However, on May 9, 2017, Plaintiff filed her First Amended Complaint. (Doc. No. 9.) The Court therefore denied the March 3, 2017 Motion as moot. (Doc. No. 10.) Subsequently, Defendant filed another Rule 12(c) Motion for Judgment on the Pleadings (hereinafter “May 30, 2017 Motion”). (Doc. No. 11.) Defendant also moved to strike Plaintiff’s First Amended Complaint. (Doc. No. 12.)

The Court has granted Defendant’s Motion to Strike Plaintiff’s First Amended Complaint. Therefore, Plaintiff’s Original Petition (Doc. No. 1-3) is reinstated, and Defendant’s May 30, 2017 Motion is **DENIED AS MOOT**. Furthermore, the Court hereby **VACATES** its May 9, 2017 Order (Doc. No. 10) denying as moot Defendant’s March 3, 2017 Motion.

Because Plaintiff never responded to the March 3, 2017 Motion (or to the May 30, 2017 Motion), the Court regards the March 3, 2017 Motion as unopposed. As such, the Court hereby

**GRANTS** Defendant's March 3, 2017 Motion for Judgment on the Pleadings (Doc. No. 7).

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas on this 25th day of July, 2017.



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HON. KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE